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Federal Communications Commission
Washington DC 20554

Re: Petition of BellSouth Telecommunications, Inc
WC Docket No. 04-405

20 December 2004

On 3 November 2004, FCC writes "BellSouth seeks forbearance.. to tariff and offer the transport component of their broadband services on a stand-alone basis". BellSouth does not offer ADSL as a stand-alone product. Network Service Providers can only provision ADSL over a BellSouth wireline voice line. It is a bundled offering.

Sitting in the chair of a network provider, I wonder what they seek forbearance from. It seems they should be thanking me for selling that voice service my customer is forced to purchase in order to get Internet access. The voice service even cohabitates with my circuit on a different frequency; same copper pair. Getting paid twice for the same last mile copper pair seems lucrative to me.

DA 04-3507 goes on to state "BellSouth argues that these rules impose costs that inhibit innovation and deployment of broadband."

Where is the documentation that shows providing wholesale ADSL circuits is not highly profitable? I have seen BellSouth retail ADSL service including Internet access for less than we pay them for wholesale circuits only. Either they are cross subsidizing or the existing wholesale ADSL tariffs are extremely profitable. Providing wholesale ADSL circuits under the existing tariffs adds profits. It does not impose costs as stated.

BellSouth would have you believe that they are responsible for the innovation that has taken every day homes from dial-up access to today's world of broadband and its myriad of possibilities. I submit to you that the ILECs had ADSL technology in their possession for years and didn't deploy only because it would hurt their existing dedicated broadband offerings. Had independents and cable companies not forced the issue, ADSL would remain a technology not yet used in this country.

The ILECs have no desire for innovation. A stock holder driven megacorp is focused solely on profits. A small business, by its very nature, must be innovative to survive. The thousands of small network providers like TerraNovaNet built the Internet and gave you better things to do with it. You'd be using dial-up access or paying \$1500/mo for your broadband connection if the 96 Telecommunications Act hadn't forced the RBOCs to open their networks to competition. The innovators are the small businesses that also happen to supply the majority of the jobs in the U.S.

TerraNovaNet provides encrypted virtual circuits for local businesses to connect their offices and home offices. We provide static network support so business owners can view their store security cameras from home. We provide business owners and residents alike SPAM and virus protection and support. Web hosting, secure off-site back-up, managed mail; the list of services telcos cannot, do not and will not provide is endless. They are dumb telcos; not innovators.

The RBOCs have held this country hostage with threats of deployment limitations for years. How many of their promises have been kept when their demands were met? Now they would have you believe they will negotiate fair wholesale contracts without tariff. There's a lot to be said for 'fool me once, shame on you; fool me twice, shame on me'.

FCC rulings over the past century have treated last mile infrastructure as a national asset to be carefully monitored and nurtured. This century, that asset is critical to technology growth and innovation. The Commission has a duty to protect that asset and, in the very least, err on the side of caution. Do not allow the telcos to eliminate the innovators; the small network providers like TerraNovaNet by closing wireline last mile to us.

Our niche is The Florida Keys, demographically a rural area. We were lucky enough to get an ADSL infrastructure during BellSouth's courtship of the FPSC in their efforts to get long distance approval. Expansion and/or improvements to the ADSL infrastructure have been non-existent since BellSouth got LD approval. The size of the local BellSouth technical crew has gotten smaller as they have merged departments. Cable access is not available here.

BellSouth has been able to garner 98% of the market share here using lower than wholesale pricing and other predatory techniques. But, our ability to innovate has kept us alive and gaining ground. Our VoIP services promise lower rates to local businesses and residents while providing us a slingshot to battle Goliath with. Removing our access to the local ADSL infrastructure would set that innovation back dramatically.

So I ask you to consider the thousands of people and the critical infrastructure agencies that depend on TerraNovaNet in making your decision. And to consider who the innovator is. TerraNovaNet is the one providing VoIP services to the Florida Keys today; not BellSouth. TerraNovaNet is the one helping the Care Center for Mental Health network their clinics today; not BellSouth. TerraNovaNet is the one providing the National Undersea Research Center multi-level fail-over redundancy; not BellSouth. TerraNovaNet created layered redundancy for NASA's NEEMO 7 remote surgery mission this year; not BellSouth.

Innovation grows from competition. Competition is spawned by small business. Forbearance in this case will kill the goose that laid the golden egg.

Thank you for your consideration.

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<http://www.TerraNova.Net>